

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
NOVEMBER 3, 1965

This regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, November 3, 1965, in the City Hall Council Chambers.

ROLL CALL **Present:** Councilmen - BROWN, CULBERTSON, DOW,
WALTON and KIRSTEN(Mayor)

Absent: Councilmen - None

Also present: City Manager Glaves, City Attorney Mullen, Administrative Assistant Peterson and Planning Director Schroeder.

MINUTES On motion of Councilman Culbertson, Brown second, the minutes of October 20, 1965 were approved as written and mailed.

PLANNING COMMISSION

REZONING
RUMINSON TR.
R-2 TO R-3

The Planning Commission recommended that the area bounded by Washington, Watson, Mission and Stockton Streets (Ruminson Tract) be rezoned from the R-2 single family residence district to the R-3 limited multiple family residence district. On motion of Councilman Brown, Dow second, the proposal was set for hearing on November 17, 1965.

INFORMATION Other actions of the Planning Commission at its meeting
ITEMS of October 25, 1965 were as follows:

1. Denied the request of Douglas Oil Corporation for a use permit to erect a revolving sign at 301 East Lodi Avenue.
2. Denied the request of Lodi National Bank for a variance to increase the allowable sign overhang into the public right of way on Walnut Street east of Church Street.

COMMUNICATIONS

APPEAL - A letter was read from Fresno Neon Sign Company in behalf
DOUGLAS OIL CO. of Douglas Oil Corporation appealing the decision of the
Planning Commission which denied the request of Douglas
Oil for a use permit to erect a revolving sign at 301
East Lodi Avenue. On motion of Councilman Dow,
Culbertson second, the appeal was set for public hearing
on November 17, 1965.

FRONTIER
SAVINGS RE
BUILDING AT
116 W. PINE

A letter was received from Frontier Savings and Loan Association stating the Association had recently acquired the old Turner Hardware Building at 116 West Pine Street adjacent to a City parking lot. The building has a solid wall facing the parking lot and the Association would like to receive Council approval to place windows and a door in this wall. The Association is willing to execute any release or agreement to the effect that if the use of the parking lot is changed which would require the closing of the door and windows, the Association would do so at its sole cost. Mr. Graves explained that the building code requires that a wall with openings must be at least five feet from the property line, and that the wall in question would not comply with this code regulation unless the Council determined that the parking lot was public space. He pointed out that the parking

Minutes of November 3, 1965 continued

lot is not necessarily permanent and there is always the possibility that at some later date the City may wish to sell or build on the lot. On being questioned, the City Attorney stated that an agreement with Frontier Savings and Loan to indemnify the City against future damage could be enforced. Mr. Dan Levin, President of the Association, stated they were willing to go to considerable expense to make the building an attractive unit conforming with the Downtown Mall and an improvement to the surrounding area. He said they were anxious to get started and would appreciate an indication from the Council as to how they should proceed. Plans showing the proposed opening were shown to the Council. Mr. Levin said there might be some minor changes in the plan but in general that was what they intended to do. Councilman Culbertson complimented Frontier Savings and Loan on their efforts to improve the building and said the proposed remodeling would be a great asset to the downtown area. Councilmen were of the opinion that the parking lot was public area and the City would be protected if the request were granted since the Association was willing to indemnify the City against possible future damage. Councilman Culbertson moved that Frontier Saving and Loan Association be granted permission to make openings in the wall of the building at 116 West Pine Street as requested, providing they executed an agreement indemnifying the City against future damage. His motion was seconded by Councilman Dow and carried unanimously. On behalf of the citizens of the community, Mayor Kirsten thanked Frontier Savings and Loan for their willingness to remodel the building so that it would be an asset to the City.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$193,871.55 were approved on motion of Councilman Dow, Culbertson second.

HUTCHINS ESTATE
ADDN WITHDRAWN
FROM WRCFPD
RES. NO. 2879
ADOPTED

Annexation of the Hutchins Estate Addition having been completed, on motion of Councilman Brown, Dow second, the Council adopted Resolution No. 2879 withdrawing the Hutchins Estate Addition from the Woodbridge Rural County Fire Protection District by unanimous vote.

LONE OAK ADDN
WITHDRAWN FROM
WRCFPD & MRCFPD
RES. NO. 2880
AND NO. 2881
ADOPTED

Annexation of the Lone Oak Addition having been completed, that portion thereof lying within the Woodbridge Rural County Fire Protection District was withdrawn therefrom by the adoption of Resolution No. 2880 on motion of Councilman Dow, Culbertson second. On motion of Councilman Brown, Culbertson second, the City Council then withdrew the balance of the Lone Oak Addition from the Mokelumne Rural County Fire Protection District by the adoption of Resolution No. 2881.

CLASSIFIED
EMPLOYEE
SALARIES

RES. NO. 2882
ADOPTED

The Council then took under consideration the recommendation of the City Manager on salaries of classified employees. On the basis of his annual survey Mr. Graves had recommended a 5% increase for all police and fire personnel and for certain classes in the Public Works Department and a 2½% increase for all other classes except clerical personnel for which no increase was indicated. Councilman Dow pointed out that the City had had a survey and study by the State a year ago and at that time the 2½% step was adopted giving more flexibility in granting increases. With the rise in cost of living, he was of the opinion that the clerical employees should receive a 2½% increase. Councilman Dow then moved the adoption of Resolution No. 2882 increasing salaries as

Minutes of November 3, 1965 continued

of October 1, 1965 to 5% for those classes recommended by the City Manager and increasing salaries for the balance of the classified employees 2½%. His motion was seconded by Councilman Culbertson who stated that he did not question the City Manager's survey, but a different criteria had been used this year than last for clerical positions. In construction the cost of living has been projected for three years and is greater than 2½% and he felt all the employees deserved an increase. Councilman Brown concurred but could not see the equity in giving the lowest paid employees such as laborers a 2½% increase while giving the highest 5%. Mrs. Dolores Formento, President of the City Employees Association, addressed the Council concerning the salary for laborers. She pointed out that the average salary for laborers of all cities surveyed by the City Manager was \$477, while Lodi was \$447. A 5% increase would bring the salary to \$469 which was still below the all-city average. City Manager Graves stated that in comparison to the local market, the Lodi salary compared well. Mayor Kirsten said the Council owed it to the citizens to get the best service at a fair price. The City is already paying more for clerical help than local business and to make an increase is unfair to the taxpayers. Councilman Walton said that by keeping up a good salary, the City does not become a training field for private industry. After further discussion the motion to adopt Resolution No. 2882 passed, with Mayor Kirsten voting no.

DEPT. HEAD
SALARIES

Mr. Graves then recommended the following increases for department heads:

	From	To
Public Works Director	\$1,150	\$1,210
Police Chief	980	1,050
Fire Chief	925	1,000
Finance Director	970	1,020
Recreation Director	915	975

Planning Director range from \$720 - \$930
to \$800 - \$990

Mr. Graves said he would make a recommendation on salaries of the Superintendent of Utilities and the Administrative Assistant at the next meeting. Councilman Culbertson moved that the recommendations of the City Manager be adopted increasing salaries for department heads effective October 1, 1965. His motion was seconded by Councilman Walton. Mayor Kirsten pointed out that percentagewise the recommended increases were higher than the other employees. Councilman Culbertson's opinion was that some department heads had been hired on a minimum basis and deserve a rapid increase, that they are responsible for a large number of employees, and, if they are capable, should be properly paid. Councilman Brown felt the increase was too much as compared to the laborers. After further discussion, the motion to increase salaries of the department heads as recommended passed by the following vote:

Ayes: Councilmen - CULBERTSON, DOW and WALTON

Noes: Councilmen - BROWN and KIRSTEN

CLOSED CIRCUIT
TV FOR SCHOOLS

Mr. Woodrow Mitchell, President of the Lodi Elementary School Board of Trustees, addressed the Council concerning their desire to extend their closed circuit TV cable to the Needham School. In January, 1964 the Board had

Minutes of November 3, 1965 continued

received permission to string the cable from the George Washington School to the Leroy Nichols School in order to develop a pilot program of closed circuit TV. The program had proved so successful that the Board wished to expand the program to include one or more schools and were asking the Council for permission to extend the cable as far as the Needham School. Permission had been obtained from 24 out of 30 property owners along the proposed route. Councilman Culbertson moved that the request of the Elementary School board to extend the TV cable over public right of way to the Needham School be granted. His motion was seconded by Councilman Brown and carried unanimously.

ENCROACHMENT
ORDINANCE
CONTINUED

Councilman Dow moved that consideration of the proposed Encroachment Ordinance be continued to the meeting of December 1, 1965 and that it be scheduled under Public Hearings on the agenda. His motion was seconded by Councilman Brown and carried by unanimous vote.

1964-65
AUDIT

On motion of Councilman Culbertson, Dow second, the 1964-65 audit prepared by McCandless and Soderbery was accepted.

REQUEST RE
"MOLOTOV
COCKTAIL"
TABLED

In response to the Council's request for a recommendation on the letter from Long Beach received at the meeting of October 20, 1965 concerning the "Molotov Cocktail," the Chief of Police in a memorandum to the Council recommended that no action be taken, his opinion being that the unlawful use of a "Molotov Cocktail" is a felony and that making the mere possession thereof a felony might do some persons an injustice, particularly until such time as it is more definitely defined. On motion of Councilman Dow, Culbertson second, the letter from Long Beach was tabled.

SUBDIVISION
ORDINANCE
AMENDED

ORD. NO. 803
INTRODUCED

The Council then discussed the proposed amendments to the Subdivision Ordinance, copies of which had been sent to the Council. The ordinance would formalize the policy adopted by the Council that the City would cease doing improvement installations for subdivisions and would no longer do the map checking. The Public Works Director is also recommending that the City stop doing engineering for subdivisions. If this recommendation is acceptable to the Council, several other changes should be made in the wording of the ordinance indicating the private engineers will submit their design work to the City for approval. The subdivider would also be required to post cash, bond or instrument of credit in the amount of 100% of the cost of improvements rather than 10% as at present. Councilman Culbertson voiced his objection to the wording in Section 3 of the proposed ordinance that "... the City Engineer may authorize partial releases from the deposit for the work completed by the subdivider." He felt that the word "may" should be changed to "shall." City Manager Graves, City Attorney Mullen and Public Works Director Jones were of the opinion that the City has more protection using the word "may." However, Councilman Culbertson felt it was leaving too much to the discretion of the City Engineer and he moved that the word "may" be changed to "shall" in the last sentence of Section 3. His motion was seconded by Councilman Brown and failed to carry by the following vote:

Ayes: Councilmen - BROWN and CULBERTSON

Noes: Councilmen - DOW, WALTON and KIRSTEN

Minutes of November 3, 1965 continued

The Council was in agreement that the City stop doing the engineering work for subdivisions, and on motion of Councilman Dow, Brown second, the City Council by unanimous vote introduced Ordinance No. 803 amending the Subdivision Ordinance (Chapter 22 of the City Code) as recommended.

SPECS -
UTILITIES
TRUCK

On motion of Councilman Brown, Dow second, the City Council approved specifications and authorized calling for bids on a truck for the Utilities Department.

INVESTMENT OF
BOND MONIES

Mr. Graves gave a report on the investment by Finance Director Wilson of the money received from the sale of \$5.5 million 1965 Municipal Improvement Bonds and complimented Mr. Wilson for having done an excellent job.

1966 CENSUS

Mr. Graves reported that the Federal Bureau of the Census would be able to take a census of Lodi in April of 1966 at a cost of approximately \$3,000. The City has been getting a yearly estimate from the State Department of Finance, but the State feels it can no longer give a valid estimate. On motion of Councilman Culbertson, Dow second, the City Council authorized contracting with the Bureau of the Census to conduct a special census in April 1966.

COUNCIL
SALARIES

ORD. NO. 804
INTRODUCED

Councilman Dow stated that in accordance with State legislation the Council is empowered to set compensation of its members at \$150. He felt this amount was not adequate, but was an improvement over the \$50 which members of the City Council have been receiving since 1922. Councilman Dow then moved the introduction of Ordinance No. 804 establishing the salaries of Council members at \$150 a month effective after the April 1966 municipal election. His motion was seconded by Councilman Culbertson, who stated that such compensation was well deserved; that a great deal of time was spent on city business and away from one's own business. Mayor Kirsten agreed that this was so but felt that when he ran for the Council he volunteered to assume such a sacrifice. Dedicated people are needed on the Council and increasing the salary may encourage people who are unqualified to seek the office. On the other hand, Councilman Walton felt that there were qualified people who could not afford to run for Council because of added expenses in connection therewith and an increase in salary might give them the opportunity to run. The motion to introduce Ordinance No. 804 then passed, with Mayor Kirsten casting a dissenting vote.

MEETING WITH
TRAFFIC ENGINEER

The City Manager said he had contacted Dr. D. Jackson Faustman, traffic engineer, who had indicated he would be able to meet with the City Council on November 10. The Council agreed the date was satisfactory and authorized the City Manager to so inform Dr. Faustman.

ORDINANCES

SANITARY
LANDFILL
REGULATIONS

ORD. NO. 802
ADOPTED

ORDINANCE NO. 802, entitled "AN ORDINANCE PROVIDING REGULATIONS FOR USE OF WASTE DISPOSAL GROUNDS AND FOR AMENDING SUCH REGULATIONS," having been introduced at the meeting of October 20, 1965, was brought up for passage on motion of Councilman Brown, Dow second. Second reading was omitted after reading by title and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - BROWN, CULBERTSON, DOW, WALTON
and KIRSTEN

Noes: Councilmen - None

Absent: Councilmen - None


Minutes of November 3, 1935 continued

SETTLEMENT OF
MOUNTAIN STATES
CONST. CO. SUIT

City Attorney Mullen stated that the suit of Mountain States Construction Company vs Henry Wiebe, a subcontractor on the Basin A-1 piping and structures, and the City could be settled by the main parties out of court if the City would accept \$250 instead of \$1500 which the City is entitled to receive because the work was not completed within the time specified by the contract. Because of the expense of a trial and because the City was not out of measurable money due to delay in the work, the City Attorney recommended that the City accept the \$250 and that he be authorized to proceed on that basis. He said he would submit a bill for \$150 to cover his services in the matter. Councilman Walton disqualified himself from entering into consideration of the proposal because of direct interest. Councilman Culbertson moved that the City Attorney be authorized to proceed to settle the matter as recommended. His motion was seconded by Councilman Dow and carried, with Councilman Walton abstaining.

ADJOURNMENT

At 10:30 p.m., on motion of Councilman Brown, Culbertson second, the City Council adjourned to November 10, 1935.


Attest: Beatrice Garibaldi
City Clerk